

RECEIVED
GENERAL COUNSEL

JUL 11 2001

STATE OF SOUTH CAROLINA
DEPARTMENT OF INSURANCE

**Before the State of South Carolina
Department of Insurance**

In the matter of:)

Charles Gibson, Jr.)

1205 Princeton Street)

Columbia, South Carolina 29205.)

SCDI File Number 2001-106780

**Consent Order
Imposing Administrative Penalty**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Charles Gibson, Jr., a licensed South Carolina resident insurance agent.

Upon review of this matter, I hereby find as fact that Gibson signed the name of an applicant to an application for insurance and then signed his name as witness attesting that it was the applicant's signature. However, Gibson contends that time was a factor in the best interest of the applicant, and he signed on her behalf. Nevertheless, Gibson's actions can ultimately lead to the revocation of his license to transact the business of insurance as an agent in South Carolina following a public hearing at the Administrative Law Judge Division pursuant to S.C. Code Ann. § 38-43-130 (Supp.2000).

Prior to the initiation of any administrative proceedings against him, Gibson and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke Gibson's resident insurance agent license, he would waive his right to a public hearing and immediately pay an administrative fine in the total amount of \$250.

Section § 38-43-130 states, in pertinent part, that the Director of Insurance may revoke an agent's license "when it appears that an agent...has violated this title or any regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State."

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law that Gibson has violated the law governing licensed agents. As a result, I can now take administrative disciplinary action against his resident insurance agent license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2000), and after carefully considering the recommendations of the parties, I hereby impose against Gibson an administrative fine in the total amount of \$250. Gibson must pay that fine within ten days of the date of my signature upon this consent order. If he does not timely pay that total fine amount his resident insurance agent license will be immediately revoked without any further disciplinary proceedings.

C. Gibson - Charles Gibson, Jr.
7/10/2001

The parties have reached this agreement in consideration of the Department having never taken any administrative disciplinary action against Gibson on this issue before and of his assurance that in the future he will comply with the state's insurance laws. The parties expressly agree and understand Gibson's payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter.

By his signature upon this consent order, Gibson acknowledges that he understands that this administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (Supp. 2000).

It is, therefore, ordered that Gibson shall, within ten days of the date of my signature on this consent order, pay through the Department an administrative fine in the total amount of \$250.

It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Gibson's licensing file.

This consent order becomes effective as of the date of my signature below.

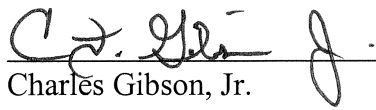


Ernst N. Csiszar
Director

R.L.S.
7/10 7/13/01, at
Columbia, South Carolina

CF-9 Charles Gibson, Jr.
7/10/01

I CONSENT:



Charles Gibson, Jr.
1205 Princeton Street
Columbia, South Carolina 29205

Dated this 10 day of JULY, 2001